

AMENDED IN ASSEMBLY SEPTEMBER 1, 2005

AMENDED IN ASSEMBLY JUNE 14, 2005

AMENDED IN SENATE APRIL 12, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 720

Introduced by Senator Kuehl

(Coauthors: Senators Figueroa, Kehoe, and Speier)

(Coauthors: Assembly Members Benoit, Cohn, Jones, Koretz, Lieber,
Mullin, and Pavley)

February 22, 2005

An act to amend Section 1218 of the Code of Civil Procedure, to amend Section 6380 of the Family Code, and to amend Section 136.2 of the Penal Code, relating to court orders.

LEGISLATIVE COUNSEL'S DIGEST

SB 720, as amended, Kuehl. Court orders.

(1) Existing law provides specified procedures to initiate and pursue contempt orders.

This bill would authorize a district attorney or city attorney to initiate and pursue a court action for contempt against a party for failing to comply with a court order entered pursuant to the Domestic Violence Protection Act. The bill would require any attorney's fees and costs ordered against a party in contempt of the above provision to be paid to the Office of Emergency Services for the purpose of funding domestic violence shelter service providers.

(2) Existing law requires the court to transmit data to law enforcement personnel related to certain protective orders.

This bill would further require the court to similarly transmit data related to any protective order issued, modified, extended, or terminated pursuant to specified provisions of the Family Code.

(3) Existing law provides a mechanism whereby the court may issue a protective order.

This bill would make clarifying changes with regard to that authority, specifically with respect to orders protecting victims of violent crime from all contact by a defendant.

(4) *This bill would incorporate additional changes in Section 136.2 of the Penal Code proposed by AB 112, AB 118, and AB 1288 that would become operative only if any or all of those bills are chaptered and become effective on or before January 1, 2006, and this bill is chaptered last.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1218 of the Code of Civil Procedure is~~
2 ~~amended to read:~~

3 ~~1218. (a) Upon the answer and evidence taken, the court or~~
4 ~~judge shall determine whether the person proceeded against is~~
5 ~~guilty of the contempt charged, and if it be adjudged that he or~~
6 ~~she is guilty of the contempt, a fine may be imposed on him or~~
7 ~~her not exceeding one thousand dollars (\$1,000), or he or she~~
8 ~~may be imprisoned not exceeding five days, or both. In addition,~~
9 ~~a person who is subject to a court order as a party to the action,~~
10 ~~or any agent of this person, who is adjudged guilty of contempt~~
11 ~~for violating that court order may be ordered to pay to the party~~
12 ~~initiating the contempt proceeding the reasonable attorney's fees~~
13 ~~and costs incurred by this party in connection with the contempt~~
14 ~~proceeding.~~

15 ~~(b) No party, who is in contempt of a court order or judgment~~
16 ~~in a dissolution of marriage or legal separation action, shall be~~
17 ~~permitted to enforce such an order or judgment, by way of~~
18 ~~execution or otherwise, either in the same action or by way of a~~
19 ~~separate action, against the other party. This restriction shall not~~
20 ~~affect nor apply to the enforcement of child or spousal support~~
21 ~~orders.~~

1 ~~(e) In any court action in which a party is found in contempt of~~
2 ~~court for failure to comply with a court order pursuant to the~~
3 ~~Family Code, the court shall order the following:~~

4 ~~(1) Upon a first finding of contempt, the court shall order the~~
5 ~~contemner to perform community service of up to 120 hours, or~~
6 ~~to be imprisoned up to 120 hours, for each count of contempt.~~

7 ~~(2) Upon the second finding of contempt, the court shall order~~
8 ~~the contemner to perform community service of up to 120 hours,~~
9 ~~in addition to ordering imprisonment of the contemner up to 120~~
10 ~~hours, for each count of contempt.~~

11 ~~(3) Upon the third or any subsequent finding of contempt, the~~
12 ~~court shall order both of the following:~~

13 ~~(A) The court shall order the contemner to serve a term of~~
14 ~~imprisonment of up to 240 hours, and to perform community~~
15 ~~service of up to 240 hours, for each count of contempt.~~

16 ~~(B) The court shall order the contemner to pay an~~
17 ~~administrative fee, not to exceed the actual cost of the~~
18 ~~contemner's administration and supervision, while assigned to a~~
19 ~~community service program pursuant to this paragraph.~~

20 ~~(4) The court shall take parties' employment schedules into~~
21 ~~consideration when ordering either community service or~~
22 ~~imprisonment, or both.~~

23 ~~(d) Pursuant to Section 1211 and this section, a district~~
24 ~~attorney or city attorney may initiate and pursue a court action~~
25 ~~for contempt against a party for failing to comply with a court~~
26 ~~order entered pursuant to the Domestic Violence Protection Act~~
27 ~~(Division 10 (commencing with Section 6200) of the Family~~
28 ~~Code). Any attorney's fees and costs ordered by the court~~
29 ~~pursuant to subdivision (a) against a party who is adjudged guilty~~
30 ~~of contempt under this subdivision shall be paid to the Office of~~
31 ~~Emergency Services' account established for the purpose of~~
32 ~~funding domestic violence shelter service providers pursuant to~~
33 ~~subdivision (f) of Section 13823.15 of the Penal Code.~~

34 ~~SECTION 1. Section 1218 of the Code of Civil Procedure, as~~
35 ~~amended by Section 44 of Chapter 75 of the Statutes of 2005, is~~
36 ~~amended to read:~~

37 1218. (a) Upon the answer and evidence taken, the court or
38 judge shall determine whether the person proceeded against is
39 guilty of the contempt charged, and if it be adjudged that he or
40 she is guilty of the contempt, a fine may be imposed on him or

1 her not exceeding one thousand dollars (\$1,000), payable to the
2 court, or he or she may be imprisoned not exceeding five days, or
3 both. In addition, a person who is subject to a court order as a
4 party to the action, or any agent of this person, who is adjudged
5 guilty of contempt for violating that court order may be ordered
6 to pay to the party initiating the contempt proceeding the
7 reasonable attorney's fees and costs incurred by this party in
8 connection with the contempt proceeding.

9 (b) No party, who is in contempt of a court order or judgment
10 in a dissolution of marriage, dissolution of domestic partnership,
11 or legal separation action, shall be permitted to enforce such an
12 order or judgment, by way of execution or otherwise, either in
13 the same action or by way of a separate action, against the other
14 party. This restriction shall not affect nor apply to the
15 enforcement of child or spousal support orders.

16 (c) In any court action in which a party is found in contempt of
17 court for failure to comply with a court order pursuant to the
18 Family Code, the court shall order the following:

19 (1) Upon a first finding of contempt, the court shall order the
20 contemner to perform community service of up to 120 hours, or
21 to be imprisoned up to 120 hours, for each count of contempt.

22 (2) Upon the second finding of contempt, the court shall order
23 the contemner to perform community service of up to 120 hours,
24 in addition to ordering imprisonment of the contemner up to 120
25 hours, for each count of contempt.

26 (3) Upon the third or any subsequent finding of contempt, the
27 court shall order both of the following:

28 (A) The court shall order the contemner to serve a term of
29 imprisonment of up to 240 hours, and to perform community
30 service of up to 240 hours, for each count of contempt.

31 (B) The court shall order the contemner to pay an
32 administrative fee, not to exceed the actual cost of the
33 contemner's administration and supervision, while assigned to a
34 community service program pursuant to this paragraph.

35 (4) The court shall take parties' employment schedules into
36 consideration when ordering either community service or
37 imprisonment, or both.

38 (d) *Pursuant to Section 1211 and this section, a district*
39 *attorney or city attorney may initiate and pursue a court action*
40 *for contempt against a party for failing to comply with a court*

1 *order entered pursuant to the Domestic Violence Protection Act*
2 *(Division 10 (commencing with Section 6200) of the Family*
3 *Code). Any attorney's fees and costs ordered by the court*
4 *pursuant to subdivision (a) against a party who is adjudged*
5 *guilty of contempt under this subdivision shall be paid to the*
6 *Office of Emergency Services' account established for the*
7 *purpose of funding domestic violence shelter service providers*
8 *pursuant to subdivision (f) of Section 13823.15 of the Penal*
9 *Code.*

10 SEC. 2. Section 6380 of the Family Code is amended to read:

11 6380. (a) Each county, with the approval of the Department
12 of Justice, shall, by July 1, 1996, develop a procedure, using
13 existing systems, for the electronic transmission of data, as
14 described in subdivision (b), to the Department of Justice. The
15 data shall be electronically transmitted through the California
16 Law Enforcement Telecommunications System (CLETS) of the
17 Department of Justice by law enforcement personnel, or with the
18 approval of the Department of Justice, court personnel, or
19 another appropriate agency capable of maintaining and
20 preserving the integrity of both the CLETS and the Domestic
21 Violence Restraining Order System, as described in subdivision
22 (e). Data entry is required to be entered only once under the
23 requirements of this section, unless the order is served at a later
24 time. A portion of all fees payable to the Department of Justice
25 under subdivision (a) of Section 1203.097 of the Penal Code for
26 the entry of the information required under this section, based
27 upon the proportion of the costs incurred by the local agency and
28 those incurred by the Department of Justice, shall be transferred
29 to the local agency actually providing the data. All data with
30 respect to criminal court protective orders issued, modified,
31 extended, or terminated under subdivision (g) of Section 136.2 of
32 the Penal Code, and all data filed with the court on the required
33 Judicial Council forms with respect to protective orders,
34 including their issuance, modification, extension, or termination,
35 to which this division applies pursuant to Section 6221, shall be
36 transmitted by the court or its designee within one business day
37 to law enforcement personnel by either one of the following
38 methods:

1 (1) Transmitting a physical copy of the order to a local law
2 enforcement agency authorized by the Department of Justice to
3 enter orders into CLETS.

4 (2) With the approval of the Department of Justice, entering
5 the order into CLETS directly.

6 (b) Upon the issuance of a protective order to which this
7 division applies pursuant to Section 6221, or the issuance of a
8 temporary restraining order or injunction relating to harassment
9 or domestic violence pursuant to Section 527.6 or 527.8 of the
10 Code of Civil Procedure, or the issuance of a criminal court
11 protective order under subdivision (g) of Section 136.2 of the
12 Penal Code, or the issuance of a juvenile court restraining order
13 related to domestic violence pursuant to Section 213.5, 304, or
14 362.4 of the Welfare and Institutions Code, or the issuance of a
15 protective order pursuant to Section 15657.03 of the Welfare and
16 Institutions Code, or upon registration with the court clerk of a
17 domestic violence protective or restraining order issued by the
18 tribunal of another state, as defined in Section 6401, and
19 including any of the foregoing orders issued in connection with
20 an order for modification of a custody or visitation order issued
21 pursuant to a dissolution, legal separation, nullity, or paternity
22 proceeding the Department of Justice shall be immediately
23 notified of the contents of the order and the following
24 information:

25 (1) The name, race, date of birth, and other personal
26 descriptive information of the respondent as required by a form
27 prescribed by the Department of Justice.

28 (2) The names of the protected persons.

29 (3) The date of issuance of the order.

30 (4) The duration or expiration date of the order.

31 (5) The terms and conditions of the protective order, including
32 stay-away, no-contact, residency exclusion, custody, and
33 visitation provisions of the order.

34 (6) The department or division number and the address of the
35 court.

36 (7) Whether or not the order was served upon the respondent.

37 (8) The terms and conditions of any restrictions on the
38 ownership or possession of firearms.

1 All available information shall be included; however, the
2 inability to provide all categories of information shall not delay
3 the entry of the information available.

4 (c) The information conveyed to the Department of Justice
5 shall also indicate whether the respondent was present in court to
6 be informed of the contents of the court order. The respondent's
7 presence in court shall provide proof of service of notice of the
8 terms of the protective order. The respondent's failure to appear
9 shall also be included in the information provided to the
10 Department of Justice.

11 (d) (1) Within one business day of service, any law
12 enforcement officer who served a protective order shall submit
13 the proof of service directly into the Department of Justice
14 Domestic Violence Restraining Order System, including his or
15 her name and law enforcement agency, and shall transmit the
16 original proof of service form to the issuing court.

17 (2) Within one business day of receipt of proof of service by a
18 person other than a law enforcement officer, the clerk of the
19 court shall submit the proof of service of a protective order
20 directly into the Department of Justice Domestic Violation
21 Restraining Order System, including the name of the person who
22 served the order. If the court is unable to provide this notification
23 to the Department of Justice by electronic transmission, the court
24 shall, within one business day of receipt, transmit a copy of the
25 proof of service to a local law enforcement agency. The local law
26 enforcement agency shall submit the proof of service directly
27 into the Department of Justice Domestic Violence Restraining
28 Order System within one business day of receipt from the court.

29 (e) The Department of Justice shall maintain a Domestic
30 Violence Restraining Order System and shall make available to
31 court clerks and law enforcement personnel, through computer
32 access, all information regarding the protective and restraining
33 orders and injunctions described in subdivision (b), whether or
34 not served upon the respondent.

35 (f) If a court issues a modification, extension, or termination of
36 a protective order, it shall be on forms adopted by the Judicial
37 Council of California and that have been approved by the
38 Department of Justice, and the transmitting agency for the county
39 shall immediately notify the Department of Justice, by electronic

1 transmission, of the terms of the modification, extension, or
2 termination.

3 (g) The Judicial Council shall assist local courts charged with
4 the responsibility for issuing protective orders by developing
5 informational packets describing the general procedures for
6 obtaining a domestic violence restraining order and indicating the
7 appropriate Judicial Council forms. The informational packets
8 shall include a design, that local courts shall complete, that
9 describes local court procedures and maps to enable applicants to
10 locate filing windows and appropriate courts, and shall also
11 include information on how to return proofs of service, including
12 mailing addresses and fax numbers. The court clerk shall provide
13 a fee waiver form to all applicants for domestic violence
14 protective orders. The court clerk shall provide all Judicial
15 Council forms required by this chapter to applicants free of
16 charge. The informational packet shall also contain a statement
17 that the protective order is enforceable in any state, as defined in
18 Section 6401, and general information about agencies in other
19 jurisdictions that may be contacted regarding enforcement of an
20 order issued by a court of this state.

21 (h) For the purposes of this part, “electronic transmission”
22 shall include computer access through the California Law
23 Enforcement Telecommunications System (CLETS).

24 (i) Only protective and restraining orders issued on forms
25 adopted by the Judicial Council of California and that have been
26 approved by the Department of Justice shall be transmitted to the
27 Department of Justice. However, this provision shall not apply to
28 a valid protective or restraining order related to domestic or
29 family violence issued by a tribunal of another state, as defined
30 in Section 6401. Those orders shall, upon request, be registered
31 pursuant to Section 6404.

32 SEC. 3. Section 136.2 of the Penal Code is amended to read:

33 136.2. Upon a good cause belief that harm to, or intimidation
34 or dissuasion of, a victim or witness has occurred or is
35 reasonably likely to occur, any court with jurisdiction over a
36 criminal matter may issue orders including, but not limited to, the
37 following:

38 (a) Any order issued pursuant to Section 6320 of the Family
39 Code.

1 (b) An order that a defendant shall not violate any provision of
2 Section 136.1.

3 (c) An order that a person before the court other than a
4 defendant, including, but not limited to, a subpoenaed witness or
5 other person entering the courtroom of the court, shall not violate
6 any provisions of Section 136.1.

7 (d) An order that any person described in this section shall
8 have no communication whatsoever with any specified witness
9 or any victim, except through an attorney under any reasonable
10 restrictions that the court may impose.

11 (e) An order calling for a hearing to determine if an order as
12 described in subdivisions (a) to (d), inclusive, should be issued.

13 (f) An order that a particular law enforcement agency within
14 the jurisdiction of the court provide protection for a victim or a
15 witness, or both, or for immediate family members of a victim or
16 a witness who reside in the same household as the victim or
17 witness or within reasonable proximity of the victim's or
18 witness' household, as determined by the court. The order shall
19 not be made without the consent of the law enforcement agency
20 except for limited and specified periods of time and upon an
21 express finding by the court of a clear and present danger of
22 harm to the victim or witness or immediate family members of
23 the victim or witness.

24 For purposes of this subdivision, "immediate family members"
25 include the spouse, children, or parents of the victim or witness.

26 (g) (1) Any order protecting victims of violent crime from all
27 contact by the defendant, or contact, with the intent to annoy,
28 harass, threaten, or commit acts of violence, by the defendant.
29 The court or its designee shall transmit orders made under this
30 subdivision to law enforcement personnel within one business
31 day of the issuance, modification, extension, or termination of
32 the order, pursuant to subdivision (a) of Section 6380 of the
33 Family Code. It is the responsibility of the court to transmit the
34 modification, extension, or termination orders made under this
35 subdivision to the same agency that entered the original
36 protective order into the Domestic Violence Restraining Order
37 System.

38 (2) Any order issued, modified, extended, or terminated by a
39 court pursuant to this subdivision shall be issued on forms
40 adopted by the Judicial Council of California and that have been

1 approved by the Department of Justice pursuant to subdivision (i)
2 of Section 6380 of the Family Code. However, the fact that an
3 order issued by a court pursuant to this section was not issued on
4 forms adopted by the Judicial Council and approved by the
5 Department of Justice shall not, in and of itself, make the order
6 unenforceable.

7 (3) Any person violating any order made pursuant to
8 subdivisions (a) to (g), inclusive, may be punished for any
9 substantive offense described in Section 136.1, or for a contempt
10 of the court making the order. A finding of contempt shall not be
11 a bar to prosecution for a violation of Section 136.1. However,
12 any person so held in contempt shall be entitled to credit for any
13 punishment imposed therein against any sentence imposed upon
14 conviction of an offense described in Section 136.1. Any
15 conviction or acquittal for any substantive offense under Section
16 136.1 shall be a bar to a subsequent punishment for contempt
17 arising out of the same act.

18 (h) (1) A person subject to a protective order issued under this
19 section shall not own, possess, purchase, receive, or attempt to
20 purchase or receive a firearm while the protective order is in
21 effect.

22 (2) The court shall order a person subject to a protective order
23 issued under this section to relinquish any firearms he or she
24 owns or possesses pursuant to Section 527.9 of the Code of Civil
25 Procedure.

26 (3) Every person who owns, possesses, purchases or receives,
27 or attempts to purchase or receive a firearm while the protective
28 order is in effect is punishable pursuant to subdivision (g) of
29 Section 12021 of the Penal Code.

30 (i) (1) In all cases where the defendant is charged with a
31 crime of domestic violence, as defined in Section 13700, the
32 court shall consider issuing the above-described orders on its
33 own motion. All interested parties shall receive a copy of those
34 orders. In order to facilitate this, the court's records of all
35 criminal cases involving domestic violence shall be marked to
36 clearly alert the court to this issue.

37 (2) In those cases in which a complaint, information, or
38 indictment charging a crime of domestic violence, as defined in
39 Section 13700, has been issued, a restraining order or protective
40 order against the defendant issued by the criminal court in that

1 case has precedence in enforcement over any civil court order
2 against the defendant.

3 (3) Custody and visitation with respect to the defendant and
4 his or her minor children may be ordered by a family or juvenile
5 court consistent with the protocol established pursuant to
6 subdivision ~~(i)~~ (j).

7 (j) On or before January 1, 2003, the Judicial Council shall
8 promulgate a protocol, for adoption by each local court in
9 substantially similar terms, to provide for the timely coordination
10 of all orders against the same defendant and in favor of the same
11 named victim or victims. The protocol shall include, but shall not
12 be limited to, mechanisms for assuring appropriate
13 communication and information sharing between criminal,
14 family, and juvenile courts concerning orders and cases that
15 involve the same parties, and shall permit a family or juvenile
16 court order to coexist with a criminal court protective order
17 subject to the following conditions:

18 (1) Any order that permits contact between the restrained
19 person and his or her children shall provide for the safe exchange
20 of the children and shall not contain language either printed or
21 handwritten that violates a “no contact order” issued by a
22 criminal court.

23 (2) Safety of all parties shall be the courts’ paramount
24 concern. The family or juvenile court shall specify the time, day,
25 place, and manner of transfer of the child, as provided in Section
26 3100 of the Family Code.

27 (k) On or before January 1, 2003, the Judicial Council shall
28 modify the criminal and civil court protective order forms
29 consistent with this section.

30 *SEC. 3.1. Section 136.2 of the Penal Code is amended to*
31 *read:*

32 136.2. ~~Upon~~ *(a) Except as provided in subdivision (b), upon*
33 *a good cause belief that harm to, or intimidation or dissuasion of,*
34 *a victim or witness has occurred or is reasonably likely to occur,*
35 *any court with jurisdiction over a criminal matter may issue*
36 *orders including, but not limited to, the following:*

37 ~~(a)–~~

38 *(1) Any order issued pursuant to Section 6320 of the Family*
39 *Code.*

40 ~~(b)–~~

1 (2) An order that a defendant shall not violate any provision
2 of Section 136.1.

3 ~~(e)~~

4 (3) An order that a person before the court other than a
5 defendant, including, but not limited to, a subpoenaed witness or
6 other person entering the courtroom of the court, shall not violate
7 any provisions of Section 136.1.

8 ~~(d)~~

9 (4) An order that any person described in this section shall
10 have no communication whatsoever with any specified witness
11 or any victim, except through an attorney under any reasonable
12 restrictions that the court may impose.

13 ~~(e)~~

14 (5) An order calling for a hearing to determine if an order as
15 described in ~~subdivisions (a) paragraphs (1) to (d) (4), inclusive,~~
16 should be issued.

17 ~~(f)~~

18 (6) An order that a particular law enforcement agency within
19 the jurisdiction of the court provide protection for a victim or a
20 witness, or both, or for immediate family members of a victim or
21 a witness who reside in the same household as the victim or
22 witness or within reasonable proximity of the victim's or
23 witness' household, as determined by the court. The order shall
24 not be made without the consent of the law enforcement agency
25 except for limited and specified periods of time and upon an
26 express finding by the court of a clear and present danger of
27 harm to the victim or witness or immediate family members of
28 the victim or witness.

29 For purposes of this ~~subdivision~~ *paragraph*, "immediate family
30 members" include the spouse, children, or parents of the victim
31 or witness.

32 ~~(g)~~

33 (7) (A) Any order protecting victims of violent crime from *all*
34 *contact by the defendant, or* contact, with the intent to annoy,
35 harass, threaten, or commit acts of violence, by the defendant.
36 The court or its designee shall transmit orders made under this
37 subdivision to law enforcement personnel within one business
38 day of the issuance, modification, extension, or termination of
39 the order, pursuant to subdivision (a) of Section 6380 of the
40 Family Code. It is the responsibility of the court to transmit the

modification, extension, or termination orders made under this subdivision to the same agency that entered the original protective order into the Domestic Violence Restraining Order System.

(B) Any order issued, modified, extended, or terminated by a court pursuant to this subdivision shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(b) (1) Notwithstanding subdivisions (a) and (e), an emergency protective order issued pursuant to Chapter 2 (commencing with Section 6250) of Part 3 of Division 10 of the Family Code or Section 646.91 of the Penal Code shall have precedence in enforcement over any other restraining or protective order, provided the emergency protective order meets all of the following requirements:

(A) The emergency protective order is issued to protect one or more individuals who are already protected persons under another restraining or protective order.

(B) The emergency protective order restrains the individual who is the restrained person in the other restraining or protective order specified in subparagraph (A).

(C) The provisions of the emergency protective order are more restrictive in relation to the restrained person than are the provisions of the other restraining or protective order specified in subparagraph (A).

(2) An emergency protective order that meets the requirements of paragraph (1) shall have precedence in enforcement over the provisions of any other restraining or protective order only with respect to those provisions of the emergency protective order that are more restrictive in relation to the restrained person.

(c) Any person violating any order made pursuant to subdivisions ~~(a) paragraphs (1) to (g) (7), inclusive, of~~ subdivision (a) may be punished for any substantive offense described in Section 136.1, or for a contempt of the court making the order. A finding of contempt shall not be a bar to prosecution

1 for a violation of Section 136.1. However, any person so held in
2 contempt shall be entitled to credit for any punishment imposed
3 therein against any sentence imposed upon conviction of an
4 offense described in Section 136.1. Any conviction or acquittal
5 for any substantive offense under Section 136.1 shall be a bar to
6 a subsequent punishment for contempt arising out of the same
7 act.

8 ~~(h)~~

9 (d) (1) A person subject to a protective order issued under
10 this section shall not own, possess, purchase, receive, or attempt
11 to purchase or receive a firearm while the protective order is in
12 effect.

13 (2) The court shall order a person subject to a protective order
14 issued under this section to relinquish any firearms he or she
15 owns or possesses pursuant to Section 527.9 of the Code of Civil
16 Procedure.

17 (3) Every person who owns, possesses, purchases or receives,
18 or attempts to purchase or receive a firearm while the protective
19 order is in effect is punishable pursuant to subdivision (g) of
20 Section 12021 of the Penal Code.

21 ~~(i)~~

22 (e) (1) In all cases where the defendant is charged with a
23 crime of domestic violence, as defined in Section 13700, the
24 court shall consider issuing the above-described orders on its
25 own motion. All interested parties shall receive a copy of those
26 orders. In order to facilitate this, the court's records of all
27 criminal cases involving domestic violence shall be marked to
28 clearly alert the court to this issue.

29 (2) In those cases in which a complaint, information, or
30 indictment charging a crime of domestic violence, as defined in
31 Section 13700, has been issued, a restraining order or protective
32 order against the defendant issued by the criminal court in that
33 case has precedence in enforcement over any civil court order
34 against the defendant, *unless a court issues an emergency*
35 *protective order pursuant to Chapter 2 (commencing with*
36 *Section 6250) of Part 3 of Division 10 of the Family Code or*
37 *Section 646.91 of the Penal Code, in which case the emergency*
38 *protective order shall have precedence in enforcement over any*
39 *other restraining or protective order, provided the emergency*
40 *protective order meets the following requirements:*

1 (A) *The emergency protective order is issued to protect one or*
2 *more individuals who are already protected persons under*
3 *another restraining or protective order.*

4 (B) *The emergency protective order restrains the individual*
5 *who is the restrained person in the other restraining or*
6 *protective order specified in subparagraph (A).*

7 (C) *The provisions of the emergency protective order are more*
8 *restrictive in relation to the restrained person than are the*
9 *provisions of the other restraining or protective order specified*
10 *in subparagraph (A).*

11 (3) Custody and visitation with respect to the defendant and
12 his or her minor children may be ordered by a family or juvenile
13 court consistent with the protocol established pursuant to
14 subdivision-~~(i)~~ (f).

15 ~~(j)~~

16 (f) On or before January 1, 2003, the Judicial Council shall
17 promulgate a protocol, for adoption by each local court in
18 substantially similar terms, to provide for the timely coordination
19 of all orders against the same defendant and in favor of the same
20 named victim or victims. The protocol shall include, but shall not
21 be limited to, mechanisms for assuring appropriate
22 communication and information sharing between criminal,
23 family, and juvenile courts concerning orders and cases that
24 involve the same parties, and shall permit a family or juvenile
25 court order to coexist with a criminal court protective order
26 subject to the following conditions:

27 (1) Any order that permits contact between the restrained
28 person and his or her children shall provide for the safe exchange
29 of the children and shall not contain language either printed or
30 handwritten that violates a “no contact order” issued by a
31 criminal court.

32 (2) Safety of all parties shall be the courts’ paramount
33 concern. The family or juvenile court shall specify the time, day,
34 place, and manner of transfer of the child, as provided in Section
35 3100 of the Family Code.

36 ~~(k)~~

37 (g) On or before January 1, 2003, the Judicial Council shall
38 modify the criminal and civil court protective order forms
39 consistent with this section.

1 *SEC. 3.2. Section 136.2 of the Penal Code is amended to*
2 *read:*

3 136.2. (a) Upon a good cause belief that harm to, or
4 intimidation or dissuasion of, a victim or witness has occurred or
5 is reasonably likely to occur, any court with jurisdiction over a
6 criminal matter may issue orders including, but not limited to, the
7 following:

8 ~~(a)–~~

9 (1) Any order issued pursuant to Section 6320 of the Family
10 Code.

11 ~~(b)–~~

12 (2) An order that a defendant shall not violate any provision
13 of Section 136.1.

14 ~~(c)–~~

15 (3) An order that a person before the court other than a
16 defendant, including, but not limited to, a subpoenaed witness or
17 other person entering the courtroom of the court, shall not violate
18 any provisions of Section 136.1.

19 ~~(d)–~~

20 (4) An order that any person described in this section shall
21 have no communication whatsoever with any specified witness
22 or any victim, except through an attorney under any reasonable
23 restrictions that the court may impose.

24 ~~(e)–~~

25 (5) An order calling for a hearing to determine if an order as
26 described in ~~subdivisions (a) to (d)~~ *paragraphs (1) to (4)*, inclusive,
27 should be issued.

28 ~~(f)–~~

29 (6) An order that a particular law enforcement agency within
30 the jurisdiction of the court provide protection for a victim or a
31 witness, or both, or for immediate family members of a victim or
32 a witness who reside in the same household as the victim or
33 witness or within reasonable proximity of the victim's or
34 witness' household, as determined by the court. The order shall
35 not be made without the consent of the law enforcement agency
36 except for limited and specified periods of time and upon an
37 express finding by the court of a clear and present danger of
38 harm to the victim or witness or immediate family members of
39 the victim or witness.

For purposes of this ~~subdivision~~ *paragraph*, “immediate family members” include the spouse, children, or parents of the victim or witness.

~~(g)~~

(7) (A) Any order protecting victims of violent crime from *all contact by the defendant, or* contact, with the intent to annoy, harass, threaten, or commit acts of violence, by the defendant. The court or its designee shall transmit orders made under this ~~subdivision~~ *paragraph* to law enforcement personnel within one business day of the issuance, modification, extension, or termination of the order, pursuant to subdivision (a) of Section 6380 of the Family Code. It is the responsibility of the court to transmit the modification, extension, or termination orders made under this ~~subdivision~~ *paragraph* to the same agency that entered the original protective order into the Domestic Violence Restraining Order System.

(B) Any order issued, modified, extended, or terminated by a court pursuant to this ~~subdivision~~ *paragraph* shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(b) Any person violating any order made pursuant to ~~subdivisions~~ *subdivision (a) to (g), inclusive*, may be punished for any substantive offense described in Section 136.1, or for a contempt of the court making the order. A finding of contempt shall not be a bar to prosecution for a violation of Section 136.1. However, any person so held in contempt shall be entitled to credit for any punishment imposed therein against any sentence imposed upon conviction of an offense described in Section 136.1. Any conviction or acquittal for any substantive offense under Section 136.1 shall be a bar to a subsequent punishment for contempt arising out of the same act.

~~(h)~~

(c) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt

1 to purchase or receive a firearm while the protective order is in
2 effect.

3 (2) The court shall order a person subject to a protective order
4 issued under this section to relinquish any firearms he or she
5 owns or possesses pursuant to Section 527.9 of the Code of Civil
6 Procedure.

7 (3) Every person who owns, possesses, purchases or receives,
8 or attempts to purchase or receive a firearm while the protective
9 order is in effect is punishable pursuant to subdivision (g) of
10 Section 12021 of the Penal Code.

11 ~~(i)–~~

12 (d) (1) In all cases where the defendant is charged with a
13 crime of domestic violence, as defined in Section 13700, the
14 court shall consider issuing the above-described orders on its
15 own motion. All interested parties shall receive a copy of those
16 orders. In order to facilitate this, the court's records of all
17 criminal cases involving domestic violence shall be marked to
18 clearly alert the court to this issue.

19 (2) In those cases in which a complaint, information, or
20 indictment charging a crime of domestic violence, as defined in
21 Section 13700, has been issued, a restraining order or protective
22 order against the defendant issued by the criminal court in that
23 case has precedence in enforcement over any civil court order
24 against the defendant.

25 (3) Custody and visitation with respect to the defendant and
26 his or her minor children may be ordered by a family or juvenile
27 court consistent with the protocol established pursuant to
28 subdivision~~–(i)~~ (e), *but if ordered after a criminal protective*
29 *order has been issued pursuant to this section, the custody and*
30 *visitation order shall make reference to, and acknowledge the*
31 *precedence of enforcement of, any appropriate criminal*
32 *protective order. On or before July 1, 2006, the Judicial Council*
33 *shall modify the criminal and civil court forms consistent with*
34 *this subdivision.*

35 ~~(j)–~~

36 (e) On or before January 1, 2003, the Judicial Council shall
37 promulgate a protocol, for adoption by each local court in
38 substantially similar terms, to provide for the timely coordination
39 of all orders against the same defendant and in favor of the same
40 named victim or victims. The protocol shall include, but shall not

1 be limited to, mechanisms for assuring appropriate
2 communication and information sharing between criminal,
3 family, and juvenile courts concerning orders and cases that
4 involve the same parties, and shall permit a family or juvenile
5 court order to coexist with a criminal court protective order
6 subject to the following conditions:

7 (1) Any order that permits contact between the restrained
8 person and his or her children shall provide for the safe exchange
9 of the children and shall not contain language either printed or
10 handwritten that violates a “no contact order” issued by a
11 criminal court.

12 (2) Safety of all parties shall be the courts’ paramount
13 concern. The family or juvenile court shall specify the time, day,
14 place, and manner of transfer of the child, as provided in Section
15 3100 of the Family Code.

16 ~~(k)~~—

17 (f) On or before January 1, 2003, the Judicial Council shall
18 modify the criminal and civil court protective order forms
19 consistent with this section.

20 *SEC. 3.3. Section 136.2 of the Penal Code is amended to*
21 *read:*

22 136.2. Upon a good cause belief that harm to, or intimidation
23 or dissuasion of, a victim or witness has occurred or is
24 reasonably likely to occur, any court with jurisdiction over a
25 criminal matter may issue orders including, but not limited to, the
26 following:

27 (a) Any order issued pursuant to Section 6320 of the Family
28 Code.

29 (b) An order that a defendant shall not violate any provision of
30 Section 136.1.

31 (c) An order that a person before the court other than a
32 defendant, including, but not limited to, a subpoenaed witness or
33 other person entering the courtroom of the court, shall not violate
34 any provisions of Section 136.1.

35 (d) An order that any person described in this section shall
36 have no communication whatsoever with any specified witness
37 or any victim, except through an attorney under any reasonable
38 restrictions that the court may impose.

39 (e) An order calling for a hearing to determine if an order as
40 described in subdivisions (a) to (d), inclusive, should be issued.

(f) An order that a particular law enforcement agency within the jurisdiction of the court provide protection for a victim or a witness, or both, or for immediate family members of a victim or a witness who reside in the same household as the victim or witness or within reasonable proximity of the victim's or witness' household, as determined by the court. The order shall not be made without the consent of the law enforcement agency except for limited and specified periods of time and upon an express finding by the court of a clear and present danger of harm to the victim or witness or immediate family members of the victim or witness.

For purposes of this subdivision, "immediate family members" include the spouse, children, or parents of the victim or witness.

(g) (1) Any order protecting victims of violent crime from *all contact by the defendant, or contact, with the intent to annoy, harass, threaten, or commit acts of violence, by the defendant.* The court or its designee shall transmit orders made under this subdivision to law enforcement personnel within one business day of the issuance, modification, extension, or termination of the order, pursuant to subdivision (a) of Section 6380 of the Family Code. It is the responsibility of the court to transmit the modification, extension, or termination orders made under this subdivision to the same agency that entered the original protective order into the Domestic Violence Restraining Order System.

(2) (A) *If a court does not issue an order pursuant to paragraph (1) in a case in which the defendant is charged with a crime of domestic violence as defined in Section 13700, the court on its own motion shall consider issuing a protective order upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, that provides as follows:*

(i) *The defendant shall not own, possess, purchase, receive, or attempt to purchase or receive, a firearm while the protective order is in effect.*

(ii) *The defendant shall relinquish any firearms that he or she owns or possesses pursuant to Section 527.9 of the Code of Civil Procedure.*

(B) *Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm while this*

1 *protective order is in effect is punishable pursuant to subdivision*
2 *(g) of Section 12021.*

3 (3) Any order issued, modified, extended, or terminated by a
4 court pursuant to this subdivision shall be issued on forms
5 adopted by the Judicial Council of California and that have been
6 approved by the Department of Justice pursuant to subdivision (i)
7 of Section 6380 of the Family Code. However, the fact that an
8 order issued by a court pursuant to this section was not issued on
9 forms adopted by the Judicial Council and approved by the
10 Department of Justice shall not, in and of itself, make the order
11 unenforceable.

12 (4) Any person violating any order made pursuant to
13 subdivisions (a) to (g), inclusive, may be punished for any
14 substantive offense described in Section 136.1, or for a contempt
15 of the court making the order. A finding of contempt shall not be
16 a bar to prosecution for a violation of Section 136.1. However,
17 any person so held in contempt shall be entitled to credit for any
18 punishment imposed therein against any sentence imposed upon
19 conviction of an offense described in Section 136.1. Any
20 conviction or acquittal for any substantive offense under Section
21 136.1 shall be a bar to a subsequent punishment for contempt
22 arising out of the same act.

23 (h) (1) A person subject to a protective order issued under this
24 section shall not own, possess, purchase, receive, or attempt to
25 purchase or receive a firearm while the protective order is in
26 effect.

27 (2) The court shall order a person subject to a protective order
28 issued under this section to relinquish any firearms he or she
29 owns or possesses pursuant to Section 527.9 of the Code of Civil
30 Procedure.

31 (3) Every person who owns, possesses, purchases or receives,
32 or attempts to purchase or receive a firearm while the protective
33 order is in effect is punishable pursuant to subdivision (g) of
34 Section 12021 of the Penal Code.

35 (i) (1) In all cases where the defendant is charged with a
36 crime of domestic violence, as defined in Section 13700, the
37 court shall consider issuing the above-described orders on its
38 own motion. All interested parties shall receive a copy of those
39 orders. In order to facilitate this, the court's records of all

1 criminal cases involving domestic violence shall be marked to
2 clearly alert the court to this issue.

3 (2) In those cases in which a complaint, information, or
4 indictment charging a crime of domestic violence, as defined in
5 Section 13700, has been issued, a restraining order or protective
6 order against the defendant issued by the criminal court in that
7 case has precedence in enforcement over any civil court order
8 against the defendant.

9 (3) Custody and visitation with respect to the defendant and
10 his or her minor children may be ordered by a family or juvenile
11 court consistent with the protocol established pursuant to
12 subdivision~~(i)~~ (j).

13 (j) On or before January 1, 2003, the Judicial Council shall
14 promulgate a protocol, for adoption by each local court in
15 substantially similar terms, to provide for the timely coordination
16 of all orders against the same defendant and in favor of the same
17 named victim or victims. The protocol shall include, but shall not
18 be limited to, mechanisms for assuring appropriate
19 communication and information sharing between criminal,
20 family, and juvenile courts concerning orders and cases that
21 involve the same parties, and shall permit a family or juvenile
22 court order to coexist with a criminal court protective order
23 subject to the following conditions:

24 (1) Any order that permits contact between the restrained
25 person and his or her children shall provide for the safe exchange
26 of the children and shall not contain language either printed or
27 handwritten that violates a “no contact order” issued by a
28 criminal court.

29 (2) Safety of all parties shall be the courts’ paramount
30 concern. The family or juvenile court shall specify the time, day,
31 place, and manner of transfer of the child, as provided in Section
32 3100 of the Family Code.

33 (k) On or before January 1, 2003, the Judicial Council shall
34 modify the criminal and civil court protective order forms
35 consistent with this section.

36 *SEC. 3.4. Section 136.2 of the Penal Code is amended to*
37 *read:*

38 136.2. ~~Upon~~ (a) Except as provided in subdivision (b), upon
39 a good cause belief that harm to, or intimidation or dissuasion of,
40 a victim or witness has occurred or is reasonably likely to occur,

1 any court with jurisdiction over a criminal matter may issue
2 orders including, but not limited to, the following:

3 ~~(a)–~~

4 (1) Any order issued pursuant to Section 6320 of the Family
5 Code.

6 ~~(b)–~~

7 (2) An order that a defendant shall not violate any provision
8 of Section 136.1.

9 ~~(c)–~~

10 (3) An order that a person before the court other than a
11 defendant, including, but not limited to, a subpoenaed witness or
12 other person entering the courtroom of the court, shall not violate
13 any provisions of Section 136.1.

14 ~~(d)–~~

15 (4) An order that any person described in this section shall
16 have no communication whatsoever with any specified witness
17 or any victim, except through an attorney under any reasonable
18 restrictions that the court may impose.

19 ~~(e)–~~

20 (5) An order calling for a hearing to determine if an order as
21 described in ~~subdivisions (a) paragraphs (1) to (d) (4)~~, inclusive,
22 should be issued.

23 ~~(f)–~~

24 (6) An order that a particular law enforcement agency within
25 the jurisdiction of the court provide protection for a victim or a
26 witness, or both, or for immediate family members of a victim or
27 a witness who reside in the same household as the victim or
28 witness or within reasonable proximity of the victim's or
29 witness' household, as determined by the court. The order shall
30 not be made without the consent of the law enforcement agency
31 except for limited and specified periods of time and upon an
32 express finding by the court of a clear and present danger of
33 harm to the victim or witness or immediate family members of
34 the victim or witness.

35 For purposes of this ~~subdivision~~ *paragraph*, “immediate family
36 members” include the spouse, children, or parents of the victim
37 or witness.

38 ~~(g)–~~

39 (7) (A) Any order protecting victims of violent crime from *all*
40 *contact by the defendant, or* contact, with the intent to annoy,

1 harass, threaten, or commit acts of violence, by the defendant.
2 The court or its designee shall transmit orders made under this
3 ~~subdivision paragraph~~ to law enforcement personnel within one
4 business day of the issuance, modification, extension, or
5 termination of the order, pursuant to subdivision (a) of Section
6 6380 of the Family Code. It is the responsibility of the court to
7 transmit the modification, extension, or termination orders made
8 under this ~~subdivision paragraph~~ to the same agency that entered
9 the original protective order into the Domestic Violence
10 Restraining Order System.

11 (B) Any order issued, modified, extended, or terminated by a
12 court pursuant to this ~~subdivision paragraph~~ shall be issued on
13 forms adopted by the Judicial Council of California and that have
14 been approved by the Department of Justice pursuant to
15 subdivision (i) of Section 6380 of the Family Code. However, the
16 fact that an order issued by a court pursuant to this section was
17 not issued on forms adopted by the Judicial Council and
18 approved by the Department of Justice shall not, in and of itself,
19 make the order unenforceable.

20 (b) (1) *Notwithstanding subdivisions (a) and (e), an*
21 *emergency protective order issued pursuant to Chapter 2*
22 *(commencing with Section 6250) of Part 3 of Division 10 of the*
23 *Family Code or Section 646.91 of the Penal Code shall have*
24 *precedence in enforcement over any other restraining or*
25 *protective order, provided the emergency protective order meets*
26 *all of the following requirements:*

27 (A) *The emergency protective order is issued to protect one or*
28 *more individuals who are already protected persons under*
29 *another restraining or protective order.*

30 (B) *The emergency protective order restrains the individual*
31 *who is the restrained person in the other restraining or*
32 *protective order specified in subparagraph (A).*

33 (C) *The provisions of the emergency protective order are more*
34 *restrictive in relation to the restrained person than are the*
35 *provisions of the other restraining or protective order specified*
36 *in subparagraph (A).*

37 (2) *An emergency protective order that meets the requirements*
38 *of paragraph (1) shall have precedence in enforcement over the*
39 *provisions of any other restraining or protective order only with*

1 *respect to those provisions of the emergency protective order that*
2 *are more restrictive in relation to the restrained person.*

3 (c) Any person violating any order made pursuant to
4 ~~subdivisions (a) paragraphs (1) to (g) (7), inclusive, of~~
5 *subdivision (a)* may be punished for any substantive offense
6 described in Section 136.1, or for a contempt of the court making
7 the order. A finding of contempt shall not be a bar to prosecution
8 for a violation of Section 136.1. However, any person so held in
9 contempt shall be entitled to credit for any punishment imposed
10 therein against any sentence imposed upon conviction of an
11 offense described in Section 136.1. Any conviction or acquittal
12 for any substantive offense under Section 136.1 shall be a bar to
13 a subsequent punishment for contempt arising out of the same
14 act.

15 ~~(h)~~

16 (d) (1) A person subject to a protective order issued under
17 this section shall not own, possess, purchase, receive, or attempt
18 to purchase or receive a firearm while the protective order is in
19 effect.

20 (2) The court shall order a person subject to a protective order
21 issued under this section to relinquish any firearms he or she
22 owns or possesses pursuant to Section 527.9 of the Code of Civil
23 Procedure.

24 (3) Every person who owns, possesses, purchases or receives,
25 or attempts to purchase or receive a firearm while the protective
26 order is in effect is punishable pursuant to subdivision (g) of
27 Section 12021 of the Penal Code.

28 ~~(i)~~

29 (e) (1) In all cases where the defendant is charged with a
30 crime of domestic violence, as defined in Section 13700, the
31 court shall consider issuing the above-described orders on its
32 own motion. All interested parties shall receive a copy of those
33 orders. In order to facilitate this, the court's records of all
34 criminal cases involving domestic violence shall be marked to
35 clearly alert the court to this issue.

36 (2) In those cases in which a complaint, information, or
37 indictment charging a crime of domestic violence, as defined in
38 Section 13700, has been issued, a restraining order or protective
39 order against the defendant issued by the criminal court in that
40 case has precedence in enforcement over any civil court order

1 against the defendant: , unless a court issues an emergency
2 protective order pursuant to Chapter 2 (commencing with
3 Section 6250) of Part 3 of Division 10 of the Family Code or
4 Section 646.91 of the Penal Code, in which case the emergency
5 protective order shall have precedence in enforcement over any
6 other restraining or protective order, provided the emergency
7 protective order meets the following requirements:

8 (A) The emergency protective order is issued to protect one or
9 more individuals who are already protected persons under
10 another restraining or protective order.

11 (B) The emergency protective order restrains the individual
12 who is the restrained person in the other restraining or
13 protective order specified in subparagraph (A).

14 (C) The provisions of the emergency protective order are more
15 restrictive in relation to the restrained person than are the
16 provisions of the other restraining or protective order specified
17 in subparagraph (A).

18 (3) Custody and visitation with respect to the defendant and
19 his or her minor children may be ordered by a family or juvenile
20 court consistent with the protocol established pursuant to
21 subdivision~~(i)~~ (f), but if ordered after a criminal protective order
22 has been issued pursuant to this section, the custody and
23 visitation order shall make reference to, and acknowledge the
24 precedence of enforcement of, any appropriate criminal
25 protective order. On or before July 1, 2006, the Judicial Council
26 shall modify the criminal and civil court forms consistent with
27 this subdivision.

28 ~~(j)~~

29 (f) On or before January 1, 2003, the Judicial Council shall
30 promulgate a protocol, for adoption by each local court in
31 substantially similar terms, to provide for the timely coordination
32 of all orders against the same defendant and in favor of the same
33 named victim or victims. The protocol shall include, but shall not
34 be limited to, mechanisms for assuring appropriate
35 communication and information sharing between criminal,
36 family, and juvenile courts concerning orders and cases that
37 involve the same parties, and shall permit a family or juvenile
38 court order to coexist with a criminal court protective order
39 subject to the following conditions:

1 (1) Any order that permits contact between the restrained
2 person and his or her children shall provide for the safe exchange
3 of the children and shall not contain language either printed or
4 handwritten that violates a “no contact order” issued by a
5 criminal court.

6 (2) Safety of all parties shall be the courts’ paramount
7 concern. The family or juvenile court shall specify the time, day,
8 place, and manner of transfer of the child, as provided in Section
9 3100 of the Family Code.

10 ~~(k)~~

11 (g) On or before January 1, 2003, the Judicial Council shall
12 modify the criminal and civil court protective order forms
13 consistent with this section.

14 *SEC. 3.5. Section 136.2 of the Penal Code is amended to*
15 *read:*

16 136.2. ~~Upon~~ (a) Except as provided in subdivision (c), upon
17 a good cause belief that harm to, or intimidation or dissuasion of,
18 a victim or witness has occurred or is reasonably likely to occur,
19 any court with jurisdiction over a criminal matter may issue
20 orders including, but not limited to, the following:

21 ~~(a)~~

22 (1) Any order issued pursuant to Section 6320 of the Family
23 Code.

24 ~~(b)~~

25 (2) An order that a defendant shall not violate any provision of
26 Section 136.1.

27 ~~(c)~~

28 (3) An order that a person before the court other than a
29 defendant, including, but not limited to, a subpoenaed witness or
30 other person entering the courtroom of the court, shall not violate
31 any provisions of Section 136.1.

32 ~~(d)~~

33 (4) An order that any person described in this section shall
34 have no communication whatsoever with any specified witness
35 or any victim, except through an attorney under any reasonable
36 restrictions that the court may impose.

37 ~~(e)~~

38 (5) An order calling for a hearing to determine if an order as
39 described in ~~subdivisions (a) to (d)~~ paragraphs (1) to (4),
40 inclusive, should be issued.

1 ~~(f)~~

2 (6) An order that a particular law enforcement agency within
3 the jurisdiction of the court provide protection for a victim or a
4 witness, or both, or for immediate family members of a victim or
5 a witness who reside in the same household as the victim or
6 witness or within reasonable proximity of the victim's or
7 witness' household, as determined by the court. The order shall
8 not be made without the consent of the law enforcement agency
9 except for limited and specified periods of time and upon an
10 express finding by the court of a clear and present danger of
11 harm to the victim or witness or immediate family members of
12 the victim or witness.

13 For purposes of this ~~subdivision~~ *paragraph*, "immediate family
14 members" include the spouse, children, or parents of the victim
15 or witness.

16 ~~(g)~~

17 (7) (A) Any order protecting victims of violent crime from *all*
18 *contact by the defendant, or* contact, with the intent to annoy,
19 harass, threaten, or commit acts of violence, by the defendant.
20 The court or its designee shall transmit orders made under this
21 subdivision to law enforcement personnel within one business
22 day of the issuance, modification, extension, or termination of
23 the order, pursuant to subdivision (a) of Section 6380 of the
24 Family Code. It is the responsibility of the court to transmit the
25 modification, extension, or termination orders made under this
26 subdivision to the same agency that entered the original
27 protective order into the Domestic Violence Restraining Order
28 System.

29 (B) (i) *If a court does not issue an order pursuant to*
30 *subparagraph (A) in a case in which the defendant is charged*
31 *with a crime of domestic violence as defined in Section 13700,*
32 *the court on its own motion shall consider issuing a protective*
33 *order upon a good cause belief that harm to, or intimidation or*
34 *dissuasion of, a victim or witness has occurred or is reasonably*
35 *likely to occur, that provides as follows:*

36 (I) *The defendant shall not own, possess, purchase, receive, or*
37 *attempt to purchase or receive, a firearm while the protective*
38 *order is in effect.*

1 ~~(II) The defendant shall relinquish any firearms that he or she~~
2 ~~owns or possesses pursuant to Section 527.9 of the Code of Civil~~
3 ~~Procedure.~~

4 ~~(ii) Every person who owns, possesses, purchases, or receives,~~
5 ~~or attempts to purchase or receive, a firearm while this~~
6 ~~protective order is in effect is punishable pursuant to subdivision~~
7 ~~(g) of Section 12021.~~

8 ~~(C) Any order issued, modified, extended, or terminated by a~~
9 ~~court pursuant to this subdivision shall be issued on forms~~
10 ~~adopted by the Judicial Council of California and that have been~~
11 ~~approved by the Department of Justice pursuant to subdivision (i)~~
12 ~~of Section 6380 of the Family Code. However, the fact that an~~
13 ~~order issued by a court pursuant to this section was not issued on~~
14 ~~forms adopted by the Judicial Council and approved by the~~
15 ~~Department of Justice shall not, in and of itself, make the order~~
16 ~~unenforceable.~~

17 ~~(b) Any person violating any order made pursuant to~~
18 ~~subdivisions (a) to (g) paragraphs (1) to (7), inclusive, of~~
19 ~~subdivision (a) may be punished for any substantive offense~~
20 ~~described in Section 136.1, or for a contempt of the court making~~
21 ~~the order. A finding of contempt shall not be a bar to prosecution~~
22 ~~for a violation of Section 136.1. However, any person so held in~~
23 ~~contempt shall be entitled to credit for any punishment imposed~~
24 ~~therein against any sentence imposed upon conviction of an~~
25 ~~offense described in Section 136.1. Any conviction or acquittal~~
26 ~~for any substantive offense under Section 136.1 shall be a bar to~~
27 ~~a subsequent punishment for contempt arising out of the same~~
28 ~~act.~~

29 ~~(h)~~
30 ~~(c) (1) Notwithstanding subdivisions (a) and (e), an~~
31 ~~emergency protective order issued pursuant to Chapter 2~~
32 ~~(commencing with Section 6250) of Part 3 of Division 10 of the~~
33 ~~Family Code or Section 646.91 of the Penal Code shall have~~
34 ~~precedence in enforcement over any other restraining or~~
35 ~~protective order, provided the emergency protective order meets~~
36 ~~all of the following requirements:~~

37 ~~(A) The emergency protective order is issued to protect one or~~
38 ~~more individuals who are already protected persons under~~
39 ~~another restraining or protective order.~~

1 (B) *The emergency protective order restrains the individual*
2 *who is the restrained person in the other restraining or*
3 *protective order specified in subparagraph (A).*

4 (C) *The provisions of the emergency protective order are more*
5 *restrictive in relation to the restrained person than are the*
6 *provisions of the other restraining or protective order specified*
7 *in subparagraph (A).*

8 (2) *An emergency protective order that meets the requirements*
9 *of paragraph (1) shall have precedence in enforcement over the*
10 *provisions of any other restraining or protective order only with*
11 *respect to those provisions of the emergency protective order that*
12 *are more restrictive in relation to the restrained person.*

13 (d) (1) A person subject to a protective order issued under this
14 section shall not own, possess, purchase, receive, or attempt to
15 purchase or receive a firearm while the protective order is in
16 effect.

17 (2) The court shall order a person subject to a protective order
18 issued under this section to relinquish any firearms he or she
19 owns or possesses pursuant to Section 527.9 of the Code of Civil
20 Procedure.

21 (3) Every person who owns, possesses, purchases or receives,
22 or attempts to purchase or receive a firearm while the protective
23 order is in effect is punishable pursuant to subdivision (g) of
24 Section 12021 of the Penal Code.

25 (†)

26 (e) (1) In all cases where the defendant is charged with a
27 crime of domestic violence, as defined in Section 13700, the
28 court shall consider issuing the above-described orders on its
29 own motion. All interested parties shall receive a copy of those
30 orders. In order to facilitate this, the court's records of all
31 criminal cases involving domestic violence shall be marked to
32 clearly alert the court to this issue.

33 (2) In those cases in which a complaint, information, or
34 indictment charging a crime of domestic violence, as defined in
35 Section 13700, has been issued, a restraining order or protective
36 order against the defendant issued by the criminal court in that
37 case has precedence in enforcement over any civil court order
38 against the defendant, *unless a court issues an emergency*
39 *protective order pursuant to Chapter 2 (commencing with*
40 *Section 6250) of Part 3 of Division 10 of the Family Code or*

1 *Section 646.91 of the Penal Code, in which case the emergency*
2 *protective order shall have precedence in enforcement over any*
3 *other restraining or protective order, provided the emergency*
4 *protective order meets the following requirements:*

5 *(A) The emergency protective order is issued to protect one or*
6 *more individuals who are already protected persons under*
7 *another restraining or protective order.*

8 *(B) The emergency protective order restrains the individual*
9 *who is the restrained person in the other restraining or*
10 *protective order specified in subparagraph (A).*

11 *(C) The provisions of the emergency protective order are more*
12 *restrictive in relation to the restrained person than are the*
13 *provisions of the other restraining or protective order specified*
14 *in subparagraph (A).*

15 (3) Custody and visitation with respect to the defendant and
16 his or her minor children may be ordered by a family or juvenile
17 court consistent with the protocol established pursuant to
18 subdivision-~~(i)~~ (f).

19 ~~(i)~~

20 (f) On or before January 1, 2003, the Judicial Council shall
21 promulgate a protocol, for adoption by each local court in
22 substantially similar terms, to provide for the timely coordination
23 of all orders against the same defendant and in favor of the same
24 named victim or victims. The protocol shall include, but shall not
25 be limited to, mechanisms for assuring appropriate
26 communication and information sharing between criminal,
27 family, and juvenile courts concerning orders and cases that
28 involve the same parties, and shall permit a family or juvenile
29 court order to coexist with a criminal court protective order
30 subject to the following conditions:

31 (1) Any order that permits contact between the restrained
32 person and his or her children shall provide for the safe exchange
33 of the children and shall not contain language either printed or
34 handwritten that violates a “no contact order” issued by a
35 criminal court.

36 (2) Safety of all parties shall be the courts’ paramount
37 concern. The family or juvenile court shall specify the time, day,
38 place, and manner of transfer of the child, as provided in Section
39 3100 of the Family Code.

40 ~~(k)~~

(g) On or before January 1, 2003, the Judicial Council shall modify the criminal and civil court protective order forms consistent with this section.

SEC. 3.6. Section 136.2 of the Penal Code is amended to read:

136.2. (a) Upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, any court with jurisdiction over a criminal matter may issue orders including, but not limited to, the following:

(a) (1) Any order issued pursuant to Section 6320 of the Family Code.

(b) (2) An order that a defendant shall not violate any provision of Section 136.1.

(c) (3) An order that a person before the court other than a defendant, including, but not limited to, a subpoenaed witness or other person entering the courtroom of the court, shall not violate any provisions of Section 136.1.

(d) (4) An order that any person described in this section shall have no communication whatsoever with any specified witness or any victim, except through an attorney under any reasonable restrictions that the court may impose.

(e) (5) An order calling for a hearing to determine if an order as described in ~~subdivisions (a) to (d)~~ paragraphs (1) to (4), inclusive, should be issued.

(f) (6) An order that a particular law enforcement agency within the jurisdiction of the court provide protection for a victim or a witness, or both, or for immediate family members of a victim or a witness who reside in the same household as the victim or witness or within reasonable proximity of the victim's or witness' household, as determined by the court. The order shall not be made without the consent of the law enforcement agency except for limited and specified periods of time and upon an express finding by the court of a clear and present danger of

harm to the victim or witness or immediate family members of the victim or witness.

For purposes of this ~~subdivision~~ paragraph, “immediate family members” include the spouse, children, or parents of the victim or witness.

(g)

(7) (A) Any order protecting victims of violent crime from *all contact by the defendant, or contact, with the intent to annoy, harass, threaten, or commit acts of violence, by the defendant.* The court or its designee shall transmit orders made under this ~~subdivision~~ paragraph to law enforcement personnel within one business day of the issuance, modification, extension, or termination of the order, pursuant to subdivision (a) of Section 6380 of the Family Code. It is the responsibility of the court to transmit the modification, extension, or termination orders made under this ~~subdivision~~ paragraph to the same agency that entered the original protective order into the Domestic Violence Restraining Order System.

(B) (i) *If a court does not issue an order pursuant to subparagraph (A) in a case in which the defendant is charged with a crime of domestic violence as defined in Section 13700, the court on its own motion shall consider issuing a protective order upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, that provides as follows:*

(I) *The defendant shall not own, possess, purchase, receive, or attempt to purchase or receive, a firearm while the protective order is in effect.*

(II) *The defendant shall relinquish any firearms that he or she owns or possesses pursuant to Section 527.9 of the Code of Civil Procedure.*

(ii) *Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm while this protective order is in effect is punishable pursuant to subdivision (g) of Section 12021.*

(C) Any order issued, modified, extended, or terminated by a court pursuant to this ~~subdivision~~ paragraph shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the

1 fact that an order issued by a court pursuant to this section was
2 not issued on forms adopted by the Judicial Council and
3 approved by the Department of Justice shall not, in and of itself,
4 make the order unenforceable.

5 (b) Any person violating any order made pursuant to
6 ~~subdivisions (a) to (g), inclusive,~~ *subdivision (a)* may be
7 punished for any substantive offense described in Section 136.1,
8 or for a contempt of the court making the order. A finding of
9 contempt shall not be a bar to prosecution for a violation of
10 Section 136.1. However, any person so held in contempt shall be
11 entitled to credit for any punishment imposed therein against any
12 sentence imposed upon conviction of an offense described in
13 Section 136.1. Any conviction or acquittal for any substantive
14 offense under Section 136.1 shall be a bar to a subsequent
15 punishment for contempt arising out of the same act.

16 ~~(h)~~

17 (c) (1) A person subject to a protective order issued under this
18 section shall not own, possess, purchase, receive, or attempt to
19 purchase or receive a firearm while the protective order is in
20 effect.

21 (2) The court shall order a person subject to a protective order
22 issued under this section to relinquish any firearms he or she
23 owns or possesses pursuant to Section 527.9 of the Code of Civil
24 Procedure.

25 (3) Every person who owns, possesses, purchases or receives,
26 or attempts to purchase or receive a firearm while the protective
27 order is in effect is punishable pursuant to subdivision (g) of
28 Section 12021 of the Penal Code.

29 ~~(i)~~

30 (d) (1) In all cases where the defendant is charged with a
31 crime of domestic violence, as defined in Section 13700, the
32 court shall consider issuing the above-described orders on its
33 own motion. All interested parties shall receive a copy of those
34 orders. In order to facilitate this, the court's records of all
35 criminal cases involving domestic violence shall be marked to
36 clearly alert the court to this issue.

37 (2) In those cases in which a complaint, information, or
38 indictment charging a crime of domestic violence, as defined in
39 Section 13700, has been issued, a restraining order or protective
40 order against the defendant issued by the criminal court in that

1 case has precedence in enforcement over any civil court order
2 against the defendant.

3 (3) Custody and visitation with respect to the defendant and
4 his or her minor children may be ordered by a family or juvenile
5 court consistent with the protocol established pursuant to
6 subdivision~~(i)~~ (e), *but if ordered after a criminal protective*
7 *order has been issued pursuant to this section, the custody and*
8 *visitation order shall make reference to, and acknowledge the*
9 *precedence of enforcement of, any appropriate criminal*
10 *protective order. On or before July 1, 2006, the Judicial Council*
11 *shall modify the criminal and civil court forms consistent with*
12 *this subdivision.*

13 ~~(i)~~

14 (e) On or before January 1, 2003, the Judicial Council shall
15 promulgate a protocol, for adoption by each local court in
16 substantially similar terms, to provide for the timely coordination
17 of all orders against the same defendant and in favor of the same
18 named victim or victims. The protocol shall include, but shall not
19 be limited to, mechanisms for assuring appropriate
20 communication and information sharing between criminal,
21 family, and juvenile courts concerning orders and cases that
22 involve the same parties, and shall permit a family or juvenile
23 court order to coexist with a criminal court protective order
24 subject to the following conditions:

25 (1) Any order that permits contact between the restrained
26 person and his or her children shall provide for the safe exchange
27 of the children and shall not contain language either printed or
28 handwritten that violates a “no contact order” issued by a
29 criminal court.

30 (2) Safety of all parties shall be the courts’ paramount
31 concern. The family or juvenile court shall specify the time, day,
32 place, and manner of transfer of the child, as provided in Section
33 3100 of the Family Code.

34 ~~(k)~~

35 (f) On or before January 1, 2003, the Judicial Council shall
36 modify the criminal and civil court protective order forms
37 consistent with this section.

38 *SEC. 3.7. Section 136.2 of the Penal Code is amended to*
39 *read:*

1 136.2. ~~Upon~~ (a) *Except as provided in subdivision (c), upon*
2 a good cause belief that harm to, or intimidation or dissuasion of,
3 a victim or witness has occurred or is reasonably likely to occur,
4 any court with jurisdiction over a criminal matter may issue
5 orders including, but not limited to, the following:

6 ~~(a)~~
7 (1) Any order issued pursuant to Section 6320 of the Family
8 Code.

9 ~~(b)~~
10 (2) An order that a defendant shall not violate any provision of
11 Section 136.1.

12 ~~(c)~~
13 (3) An order that a person before the court other than a
14 defendant, including, but not limited to, a subpoenaed witness or
15 other person entering the courtroom of the court, shall not violate
16 any provisions of Section 136.1.

17 ~~(d)~~
18 (4) An order that any person described in this section shall
19 have no communication whatsoever with any specified witness
20 or any victim, except through an attorney under any reasonable
21 restrictions that the court may impose.

22 ~~(e)~~
23 (5) An order calling for a hearing to determine if an order as
24 described in ~~subdivisions (a) to (d)~~ paragraphs (1) to (4),
25 inclusive, should be issued.

26 ~~(f)~~
27 (6) An order that a particular law enforcement agency within
28 the jurisdiction of the court provide protection for a victim or a
29 witness, or both, or for immediate family members of a victim or
30 a witness who reside in the same household as the victim or
31 witness or within reasonable proximity of the victim's or
32 witness' household, as determined by the court. The order shall
33 not be made without the consent of the law enforcement agency
34 except for limited and specified periods of time and upon an
35 express finding by the court of a clear and present danger of
36 harm to the victim or witness or immediate family members of
37 the victim or witness.

38 For purposes of this ~~subdivision~~ paragraph, "immediate family
39 members" include the spouse, children, or parents of the victim
40 or witness.

(g)

(7) (A) Any order protecting victims of violent crime from *all contact by the defendant, or contact, with the intent to annoy, harass, threaten, or commit acts of violence, by the defendant.* The court or its designee shall transmit orders made under this ~~subdivision~~ *paragraph* to law enforcement personnel within one business day of the issuance, modification, extension, or termination of the order, pursuant to subdivision (a) of Section 6380 of the Family Code. It is the responsibility of the court to transmit the modification, extension, or termination orders made under this ~~subdivision~~ *paragraph* to the same agency that entered the original protective order into the Domestic Violence Restraining Order System.

(B) (i) *If a court does not issue an order pursuant to subparagraph (A) in a case in which the defendant is charged with a crime of domestic violence as defined in Section 13700, the court on its own motion shall consider issuing a protective order upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, that provides as follows:*

(I) *The defendant shall not own, possess, purchase, receive, or attempt to purchase or receive, a firearm while the protective order is in effect.*

(II) *The defendant shall relinquish any firearms that he or she owns or possesses pursuant to Section 527.9 of the Code of Civil Procedure.*

(ii) *Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm while this protective order is in effect is punishable pursuant to subdivision (g) of Section 12021.*

(C) Any order issued, modified, extended, or terminated by a court pursuant to this ~~subdivision~~ *paragraph* shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(b) Any person violating any order made pursuant to subdivisions (a) to (g) paragraphs (1) to (7), inclusive, of subdivision (a) may be punished for any substantive offense described in Section 136.1, or for a contempt of the court making the order. A finding of contempt shall not be a bar to prosecution for a violation of Section 136.1. However, any person so held in contempt shall be entitled to credit for any punishment imposed therein against any sentence imposed upon conviction of an offense described in Section 136.1. Any conviction or acquittal for any substantive offense under Section 136.1 shall be a bar to a subsequent punishment for contempt arising out of the same act.

(h)
(c) (1) Notwithstanding subdivisions (a) and (e), an emergency protective order issued pursuant to Chapter 2 (commencing with Section 6250) of Part 3 of Division 10 of the Family Code or Section 646.91 of the Penal Code shall have precedence in enforcement over any other restraining or protective order, provided the emergency protective order meets all of the following requirements:

(A) The emergency protective order is issued to protect one or more individuals who are already protected persons under another restraining or protective order.

(B) The emergency protective order restrains the individual who is the restrained person in the other restraining or protective order specified in subparagraph (A).

(C) The provisions of the emergency protective order are more restrictive in relation to the restrained person than are the provisions of the other restraining or protective order specified in subparagraph (A).

(2) An emergency protective order that meets the requirements of paragraph (1) shall have precedence in enforcement over the provisions of any other restraining or protective order only with respect to those provisions of the emergency protective order that are more restrictive in relation to the restrained person.

(d) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms he or she owns or possesses pursuant to Section 527.9 of the Code of Civil Procedure.

(3) Every person who owns, possesses, purchases or receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to subdivision (g) of Section 12021 of the Penal Code.

(i)

(e) (1) In all cases where the defendant is charged with a crime of domestic violence, as defined in Section 13700, the court shall consider issuing the above-described orders on its own motion. All interested parties shall receive a copy of those orders. In order to facilitate this, the court's records of all criminal cases involving domestic violence shall be marked to clearly alert the court to this issue.

(2) In those cases in which a complaint, information, or indictment charging a crime of domestic violence, as defined in Section 13700, has been issued, a restraining order or protective order against the defendant issued by the criminal court in that case has precedence in enforcement over any civil court order against the defendant, *unless a court issues an emergency protective order pursuant to Chapter 2 (commencing with Section 6250) of Part 3 of Division 10 of the Family Code or Section 646.91 of the Penal Code, in which case the emergency protective order shall have precedence in enforcement over any other restraining or protective order, provided the emergency protective order meets the following requirements:*

(A) *The emergency protective order is issued to protect one or more individuals who are already protected persons under another restraining or protective order.*

(B) *The emergency protective order restrains the individual who is the restrained person in the other restraining or protective order specified in subparagraph (A).*

(C) *The provisions of the emergency protective order are more restrictive in relation to the restrained person than are the provisions of the other restraining or protective order specified in subparagraph (A).*

(3) Custody and visitation with respect to the defendant and his or her minor children may be ordered by a family or juvenile

1 court consistent with the protocol established pursuant to
2 subdivision~~(i)~~ (f), but if ordered after a criminal protective order
3 has been issued pursuant to this section, the custody and
4 visitation order shall make reference to, and acknowledge the
5 precedence of enforcement of, any appropriate criminal
6 protective order. On or before July 1, 2006, the Judicial Council
7 shall modify the criminal and civil court forms consistent with
8 this subdivision.

9 ~~(j)~~

10 (f) On or before January 1, 2003, the Judicial Council shall
11 promulgate a protocol, for adoption by each local court in
12 substantially similar terms, to provide for the timely coordination
13 of all orders against the same defendant and in favor of the same
14 named victim or victims. The protocol shall include, but shall not
15 be limited to, mechanisms for assuring appropriate
16 communication and information sharing between criminal,
17 family, and juvenile courts concerning orders and cases that
18 involve the same parties, and shall permit a family or juvenile
19 court order to coexist with a criminal court protective order
20 subject to the following conditions:

21 (1) Any order that permits contact between the restrained
22 person and his or her children shall provide for the safe exchange
23 of the children and shall not contain language either printed or
24 handwritten that violates a “no contact order” issued by a
25 criminal court.

26 (2) Safety of all parties shall be the courts’ paramount
27 concern. The family or juvenile court shall specify the time, day,
28 place, and manner of transfer of the child, as provided in Section
29 3100 of the Family Code.

30 ~~(k)~~

31 (g) On or before January 1, 2003, the Judicial Council shall
32 modify the criminal and civil court protective order forms
33 consistent with this section.

34 SEC. 4. (a) Section 3.1 of this bill incorporates amendments
35 to Section 136.2 of the Penal Code proposed by both this bill and
36 AB 112. It shall only become operative if (1) both bills are
37 enacted and become effective on or before January 1, 2006, (2)
38 each bill amends Section 136.2 of the Penal Code, (3) AB 118
39 and AB 1288 are not enacted or as enacted do not amend that
40 section, and (4) this bill is enacted after AB 112, in which case

1 Sections 3, 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7 of this bill shall not
2 become operative.

3 (b) Section 3.2 of this bill incorporates amendments to Section
4 136.2 of the Penal Code proposed by both this bill and AB 118. It
5 shall only become operative if (1) both bills are enacted and
6 become effective on or before January 1, 2006, (2) each bill
7 amends Section 136.2 of the Penal Code, (3) AB 112 and AB
8 1288 are not enacted or as enacted do not amend that section,
9 and (4) this bill is enacted after AB 118, in which case Sections
10 3, 3.1, 3.3, 3.4, 3.5, 3.6, and 3.7 of this bill shall not become
11 operative.

12 (c) Section 3.3 of this bill incorporates amendments to Section
13 136.2 of the Penal Code proposed by both this bill and AB 1288.
14 It shall only become operative if (1) both bills are enacted and
15 become effective on or before January 1, 2006, (2) each bill
16 amends Section 136.2 of the Penal Code, (3) AB 112 and AB 118
17 are not enacted or as enacted do not amend that section, and (4)
18 this bill is enacted after AB 1288, in which case Sections 3, 3.1,
19 3.2, 3.4, 3.5, 3.6, and 3.7 of this bill shall not become operative.

20 (d) Section 3.4 of this bill incorporates amendments to Section
21 136.2 of the Penal Code proposed by this bill, AB 112, and AB
22 118. It shall only become operative if (1) all three bills are
23 enacted and become effective on or before January 1, 2006, (2)
24 each bill amends Section 136.2 of the Penal Code, (3) AB 1288 is
25 not enacted or as enacted does not amend that section, and (4)
26 this bill is enacted after AB 112 and AB 118, in which case
27 Sections 3, 3.1, 3.2, 3.3, 3.5, 3.6, and 3.7 of this bill shall not
28 become operative.

29 (e) Section 3.5 of this bill incorporates amendments to Section
30 136.2 of the Penal Code proposed by this bill, AB 112, and AB
31 1288. It shall only become operative if (1) all three bills are
32 enacted and become effective on or before January 1, 2006, (2)
33 each bill amends Section 136.2 of the Penal Code, (3) AB 118 is
34 not enacted or as enacted does not amend that section, and (4)
35 this bill is enacted after AB 112 and AB 1288, in which case
36 Sections 3, 3.1, 3.2, 3.3, 3.4, 3.6, and 3.7 of this bill shall not
37 become operative.

38 (f) Section 3.6 of this bill incorporates amendments to Section
39 136.2 of the Penal Code proposed by this bill, AB 118, and AB
40 1288. It shall only become operative if (1) all three bills are

1 *enacted and become effective on or before January 1, 2006, (2)*
2 *each bill amends Section 136.2 of the Penal Code, (3) AB 112 is*
3 *not enacted or as enacted does not amend that section, and (4)*
4 *this bill is enacted after AB 118 and AB 1288, in which case*
5 *Sections 3, 3.1, 3.2, 3.3, 3.4, 3.5, and 3.7 of this bill shall not*
6 *become operative.*

7 *(g) Section 3.7 of this bill incorporates amendments to Section*
8 *136.2 of the Penal Code proposed by this bill, AB 112, AB 118,*
9 *and AB 1288. It shall only become operative if (1) all four bills*
10 *are enacted and become effective on or before January 1, 2006,*
11 *(2) all four bills amend Section 136.2 of the Penal Code, and (3)*
12 *this bill is enacted after AB 112, AB 118, and AB 1288, in which*
13 *case Sections 3, 3.1, 3.2, 3.3, 3.4, 3.5, and 3.6 of this bill shall*
14 *not become operative.*